

REMARKSClaim Status

Claims 18-38 are pending in the application. This paper amends claims 18, 22, 23, 25-29, and 31-35; and adds new claim 38. Claims 18 and 34 are the independent claims of the application.

Art Rejections

Claims 18-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ehrlich *et al.*, U.S. Patent Publication Number 2002/0156685 (“Ehrlich” in this paper). Alternatively, Claims 18-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ehrlich. Applicant respectfully requests reconsideration and withdrawal of the rejections based on the amendments above and the following arguments.

In rejecting the claims, the Office Action cited Ehrlich’s paragraph [0017] as disclosing using a single search to purchase items. Note, however, that in paragraph [0017] Ehrlich describes not the system/method that Ehrlich’s inventors attempted to patent, but the art prior to that invention. In contrast, in Ehrlich’s invention each item is found in a separate search.

As shown in steps 330-350 of Ehrlich’s Figure 3A, the shopper selects items in step 330, and the system performs price comparison in step 340. This may be done iteratively for a number of

items, as is indicated by the arrow from step 350 back to step 330. Although plural “items” appears in the boxes illustrating steps 330, 345, and 350, this seems to indicate the iterative nature of the process. In paragraph [0071], for example, Ehrlich speaks of “searching for a particular item.” Note the singular “item” rather than plural “items.” Similarly, in paragraph [0073] Ehrlich states that “the shopper 80 is now able to select an item from the results presented by the web application server 85 and ‘ADD’ the item to the virtual shopping cart.” Once again, Ehrlich invokes the singular form of the noun “item.” Only “[a]fter completing the necessary iterations of steps 330 to 350, the shopping cart contains several items that may have been selected from one or more merchants 180, 185.” Ehrlich, par. [0075]. Note further the example in Ehrlich’s paragraphs [0093] through [0114], which also illustrates placing items into the shopping cart after a separate search for each item. Thus, according to Ehrlich’s invention, multiple searches or price comparisons are performed, one search per item.

Because Ehrlich’s system/method uses multiple searches, Ehrlich does not disclose the identical invention claimed in independent claims 18 and 34 of the present application, which require the plurality of different items to be found in a single search. Therefore, Ehrlich does not anticipate the claims. Applicant further notes that the Office Action did not articulate any motivation for modifying Ehrlich’s method to use the single search disclosed in Ehrlich’s paragraph [0017] as prior art. Indeed, Ehrlich appears to disparage the art prior to Ehrlich, and therefore Ehrlich appears to teach away from such purported combination.

Still further, amended claim 18 requires the step of enabling to be “performed so as to enable the user to avoid searching for each different item of the plurality of different items one item at a

time.” Claim 34 includes an identical or similar limitation. Support for the added limitations may be found in the specification, for example, on page 3, lines 5-8. Ehrlich does not disclose or suggest enabling the user to designate multiple items so as not to require searching for each of the items separately in order to place the items into a shopping cart. Moreover, Ehrlich’s paragraph [0017] describing the art prior to Ehrlich also fails specifically to disclose placing multiple items into the shopping cart without requiring separately searching for each item to place each item into the shopping cart.

Applicant respectfully submits that independent claims 18 and 34 are patentable over Ehrlich at least for the above reasons.

Dependent claim 27 recites a step of enabling the user to specify display criteria, so that the information found in the search is displayed according to the display criteria. Ehrlich apparently does not disclose or suggest displaying search results in accordance with user-specified criteria. Applicant respectfully submits that claim 27 is separately patentable over Ehrlich at least for this reason.

Dependent claim 28 recites searching data sources in a prioritized order specified by the user. Ehrlich apparently does not disclose or suggest this limitation. Applicant respectfully submits that claim 28 is separately patentable over Ehrlich at least for this reason.

Dependent claim 29 recites editing the list of data sources in accordance with the input provided by the user, before the step of searching. Claim 35 recites an identical or similar limitation. Ehrlich apparently does not disclose or suggest allowing the user/shopper to edit the list of data

sources to be searched. Applicant respectfully submits that dependent claims 29 and 35 are separately patentable over Ehrlich at least for this reason.

The discussion above addresses patentability of all independent claims and of several dependent claims. Remaining dependent claims should be patentable at least for the same reasons as their respective base claims and intervening claims, if any.

New Claim 38

Applicant believes that new claim 38 is separately patentable over Ehrlich because Ehrlich does not disclose or suggest the steps of presenting to the user a list of items required for a project specified by the user, and allowing the user to edit the list of items. Support for the limitations of this claim may be found in the specification, for example, on page 6, lines 3-8.

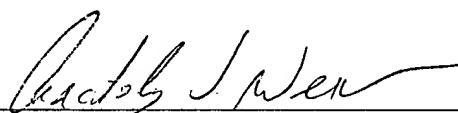
CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all pending claims are patentable. To discuss any matter pertaining to the present application, the Examiner is invited to call the undersigned attorney at (858) 720-9431.

Having made an effort to bring the application in condition for allowance, a timely notice to this effect is earnestly solicited.

Respectfully submitted,

Dated: December 14, 2006



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